

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LAURA KANEASTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cv-00253
)	
PAUL L. PHILLIPS)	
and ARMSTRONG BUILDERS, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

To: The Honorable Judges for the United States District Court
for the Western District of Missouri, and

Clerk of the Circuit Court of Jackson County, Missouri

COMES NOW defendant Paul L. Phillips (“Phillips” or “Defendant”), by and through his attorneys of record, Baker Sterchi Cowden & Rice, LLC, of Kansas City, Missouri, and pursuant to 28 U.S.C. §§1441 and 1446, removes this action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, Western Division.

As grounds for this removal, Defendant states the following:

1. This is an action in which the District Courts of the United States have been given original jurisdiction under the provisions of 28 U.S.C. §1332, in that diversity of citizenship exists between plaintiff Laura Kaneaster and defendants, and the amount in controversy, based upon information and belief, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000) exclusive of interests and costs.

2. On February 22, 2022, plaintiff Laura Kaneaster filed a Petition in the Circuit Court for Jackson County, Missouri, captioned *Laura Kaneaster v Paul L. Phillips and Armstrong*

Builders, Inc., Case No. 2216-CV03974 (the “State Court Action”), alleging wrongful death as a result of a motorcycle and pickup truck traffic accident which occurred near the intersection of Blue Ridge Boulevard and Michigan Avenue in Kansas City, Jackson County, Missouri. Plaintiff is alleged to be the natural mother of Trace Kaneaster (“Decedent”) who is deceased as a result of the aforesaid accident.

3. Defendant Paul L. Phillips was served with process in the State Court Action on March 20, 2022 by personal service at his home in the State of Illinois. This Notice is filed within 30 days after service upon this Defendant.

4. Based on the Petition for Damages filed by Plaintiff Laura Kaneaster, Defendant reasonably believes and states that Plaintiff was at the time of the commencement of this action, and still is, both a resident and citizen of the State of Missouri. See Petition for Damages, Exhibit A, ¶ 1.

5. Phillips is now and was at the time of the commencement of this action, an individual citizen of and is residing full time in the State of Illinois.

6. Co-defendant Armstrong Builders, Inc. (“Armstrong”) is a business incorporated under the laws of Illinois, with its principal place of business and registered agent also in the State of Illinois.

7. Defendant Armstrong has consented to this removal by and through its counsel.

8. The amount in controversy regarding plaintiff’s claims for damages is pled. In plaintiff’s Petition for Damages as exceeding \$25,000.00, however, Plaintiff claims that she was injured due to wrongful death and it is believed an amount in excess of \$75,000 will be claimed.

9. The United States District Court for the Western District of Missouri, Western Division is the appropriate location and court for filing the Notice of Removal from the Circuit

Court of Jackson County, Missouri where the action is pending. Accordingly, defendant Paul L. Phillips seeks to remove this action to the United States District Court for the Western District of Missouri, Western Division.

10. Pursuant to 28 U.S.C. §1446(a), copies of all pleadings, process and orders served upon defendants in this action are attached hereto and marked as Exhibit A.

11. Pursuant to 28 U.S.C. §1446(d), Defendant has served a copy of this Notice of Removal upon all adverse parties contemporaneously with the filing of this Notice of Removal.

12. Pursuant to 28 U.S.C. §1446(d), Defendant has served a copy of this Notice of Removal on the Clerk of the Circuit Court of Jackson County, Missouri.

13. Pursuant to U.S.C. §1411(a), Defendant hereby demands a trial by jury on all issues so triable.

WHEREFORE, defendant Paul L. Phillips removes this action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, Western Division.

Respectfully Submitted,

/s/ James R. Jarrow

James R. Jarrow MO #38686

John A. Watt MO #52516

BAKER STERCHI COWDEN & RICE, LLC

2400 Pershing Road, Suite 500

Kansas City, MO 64108

Telephone: (816) 471-2121

Facsimile: (816) 472-0288

Email: jarrow@bscr-law.com

jwatt@bscr-law.com

ATTORNEYS FOR DEFENDANT

PAUL PHILLIPS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via email on this 19th day of April, 2022, to the following:

Kevin Young, Esq.
Peterson & Associates, P.C.
801 W. 47th Street, Suite 107
Kansas City, MO 64112
kty@petersonlawfirm.com
ATTORNEYS FOR PLAINTIFF

And to:

Armstrong Builders, Inc.
1701 Tullamore Ave., Suite A
Bloomington, IL 61704
emegli@lbbs.com
DEFENDANT ARMSTRONG BUILDERS, INC.

/s/ James R. Jarrow
